

## **REMARKS**

Claims 1-29, and 38-39 are pending in the present application. Claims 1-29, and 38-39 stand rejected. Independent claims 1, 18, 19, 25, 38 and 39 are amended in the present reply.

### ***Telephonic Examiner Interview***

Examiner Chao, Supervisory Examiner Caldwell and the undersigned conducted a telephonic interview on July 15, 2009. Claim 1 was discussed. No agreement was reached.

### ***Claim Rejections – 35 USC § 101***

Claim 38 stands rejected under 35 USC § 101. The examiner states, “Claim 38 recites a system means for claim. While physical elements are present in the function portion of the ‘means for’ clauses, the ‘means for’ clauses themselves constitute software.” Applicant has amended claim 38 to recite “a processor.” Applicant respectfully submits that the amendment overcomes the rejection.

### ***Claim Rejections – 35 USC § 103***

Claims 1, 2, 4, 6-8, 14, 16-26, 28, 38, and 39 stand rejected under 35 USC § 103(a) as being unpatentable over Hanna et al. (Pat. No. 7,054,905) in view of Karim (Pat. No. 6,654,892).

Claim 3 stands rejected as being unpatentable over Hanna in view of Karim further in view of Checkoway (Pub. No. 2002/20035607).

Claims 5, 9, and 10 stand rejected as being unpatentable over “the combination discussed above” further in view of Boaz et al. (Pat. No. 5,333,266). As there are two combinations discussed prior to the rejections of Claims 5, 9 and 10 in the present Official Action, applicant will take “the combination discussed above” to mean Hanna in view of Karim, as claims 5, 9 and 10 do not depend from claim 3. If that interpretation is incorrect, applicant welcomes clarification from the examiner.

Claim 11 stands rejected under 35 USC § 103(a) as being unpatentable over “the combination discussed above” further in view of Pearl et al. (Pub. No. 2002/0083035). For

similar reasons as with regard to claims 5, 9, and 10, applicant interprets the present use of “the combination discussed above” to mean Hanna in view of Karim.

Claim 12 stands rejected as being unpatentable over “the combination discussed above” further in view of Boaz and Tverskoy et al. (Pub. No. 2001/00432678). For similar reasons as with regard to claims 5, 9, and 10, applicant interprets the present use of “the combination discussed above” to mean Hanna in view of Karim.

Claim 13 stands rejected as being unpatentable over “the combination discussed above” further in view of Martin (Pat. No. 6,432,232). For similar reasons as with regard to claims 5, 9, and 10, applicant interprets the present use of “the combination discussed above” to mean Hanna in view of Karim.

Claim 15 stands rejected as being unpatentable over “the combination discussed above” further in view of Ryan et al. (Pat. No. 6,205,434). For similar reasons as with regard to claims 5, 9, and 10, applicant interprets the present use of “the combination discussed above” to mean Hanna in view of Karim.

Claims 27 and 29 stand rejected as being unpatentable over “the combination discussed above” further in view of Gates (Pat. No. 4,969,083). For similar reasons as with regard to claims 5, 9, and 10, applicant interprets the present use of “the combination discussed above” to mean Hanna in view of Karim.

Claim 1 recites “a second receiving portal configured to receive, from the recipient, a second electronic mail item including a first field which contains a user identification, a second field which contains the file handle, and a third field which contains a command specification, without prompting for the email item; *a rights verifier configured to determine whether the recipient has privilege to access the stored file corresponding to said file handle,*” (emphasis added). The examiner states that the italicized portion of this recitation is taught by Hanna at col. 3, line 65 (“DLE 110 keeps track of a set of recipients specified in a distribution list”). Applicant respectfully disagrees.

A fuller portion of the Hanna citation reads, “DLE 110 keeps track of a set of recipients specified in a distribution list. Upon receiving an email message sent to the distribution list, DLE 110 forwards the email message to the set of recipients,” col. 3, line 65 – col. 4, line 3.

Hanna appears to disclose receiving an email and then sending that email to all who appear on a distribution list. In contrast, the present claim recites receiving an email from an entity referred to as a “recipient” (the “second electronic mail item” being the received email), the email having a file handle, and determining that the “recipient” who sent that email has access to the file that corresponds to the file handle contained within that email. Applicants respectfully submit that this recitation is not taught by the email distribution list of Hanna.

Claim 1 recites “(a second receiving portal) configured to receive, from the recipient, a second electronic mail item including a first field which contains a user identification, a second field which contains the file handle, and a third field which contains a command specification, without prompting for the email item.” The examiner states that “configured to receive, from the recipient, a second electronic mail item including a first field which contains a user identification,” is taught by Karim at col. 6, line 40 (“if it is determined at block 504 that the password is invalid, the e-mail is ignored”).

Applicant respectfully disagrees. The term “password” as used by Karim does not teach or suggest the present “user identification.” Karim defines “password” at col. 4, lines 56-63:

Moreover, the present invention preferably handles only those e-mails that are addressed to the source code control system of the present invention. It is therefore desirable to implement a password or identifier code 208 that may be used to designate those e-mails that are addressed to the source code control system. In this manner, e-mails erroneously received by the source code control system may be discarded.

Karim adds context to this at col. 6, lines 6-9: “Next, at block 410, a password/identifier code is entered to indicate that the e-mail is addressed to the source code control system.”

The password of Karim gains access to the source code control system, but it does not comprise a “user identification” in that it does not necessarily identify a user. For instance, there could be one “password/identifier code” used by everyone who has access to Karim’s version control system, and if everyone uses the same password, then this password does not identify a user.

The examiner further states that “a second field which contains the file handle, and a third field which contains a command specification, without prompting for the email item,” is taught by Karim at col. 8, line 57 (“the command is obtained from the client e-mail at block 706 and the associated file name is obtained at block 708).

Applicants respectfully disagree. The present claim language recites that the first, second and third fields are found within a single e-mail (“a second electronic mail item”), whereas the present citations to Karim cite two separate e-mails: an “acknowledgment e-mail” and a “client e-mail.”

“The e-mail” referred to in the citation to col. 6, line 40 is an “acknowledgment e-mail.” This may be determined from the context in which the citation appears, col. 6, lines 32-48:

The process begins at block 500 and at block 502, *an acknowledgement e-mail is received* by the client interface engine from an acknowledgement system...If it is determined at block 504 that the password is invalid, *the e-mail is ignored* at block 506 and the process completes at block 508. However, if the password is valid, a reply to the original client source code access request is created *based upon the information in the acknowledgement e-mail* at block 510. *In this manner, selected information provided in the acknowledgement e-mail may be used to compose a reply* suitable for the originator of the source code access request.

(emphasis added).

While the omitted portion makes a reference to a “client e-mail,” the passage discloses that it is information from the *acknowledgment e-mail* that is used throughout, including “the password” in the cited “if it is determined at block 504 that the password is invalid, the e-mail is ignored.”

Because applicant claims a single electronic mail item and the cited references disclose two e-mail items, applicants respectfully submit that Karim fails to disclose the present claim language.

As such, applicant respectfully submits that claim 1 is in condition for allowance, as are independent claims 18, 19, 25, 38 and 39 insomuch as they at least make similar recitations as claim 1.

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**PATENT**

Applicant further respectfully submits that dependent claims 2-17, 20-24, and 26-29 are in condition for allowance for at least the reason that their respective independent claims are in condition for allowance.

Claims 1, 18, 19, 25 and 39 have been amended to recite language similar to “a fourth field which contains a command argument” and executing the command specification “with the command argument.” Support for these recitations is found in at least paragraphs [0010] and [0070].

Claim 38 has been amended to recite “the third field comprising at least part of the To: field of the second electronic mail item and the subject of the electronic mail item.” Support for this claim language is found in at least paragraph [0096].

Applicant respectfully submits that none of the references of record teach or submit the claim language added by present amendment.

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